

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PERFECTING CHURCH, MARVIN
WINANS, and CYNTHIA FLOWERS,

Plaintiffs,

Case No. 09-cv-13493
Hon. Gerald E. Rosen

v.

ROYSTER, CARBERRY, GOLDMAN
& ASSOCIATES, INC., *et al*,

Defendants.

**ORDER REQUIRING SERVICE OF
MOTION FOR DEFAULT JUDGMENT**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on 6/23/10

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

Plaintiffs Perfecting Church, Marvin Winans and Cynthia Flowers filed a securities fraud/breach of contract Complaint on September 3, 2009, alleging that Defendants induced Plaintiffs to invest approximately \$503,171.04, then created false account statements to create the illusion that Plaintiffs' investments were being properly managed. Defendants Royster, Carberry, Goldman & Associates, Inc., Martin Royster, Lloyd Banks and Toine Murphy were served process in the month that followed the

initiation of this suit.¹ Plaintiffs sought and were granted an extension of time for service on Defendant Shannon Steel. Plaintiffs were also granted an *ex parte* motion for alternate service. The Summons and Complaint were served on Defendant Steel by U.S. mail on February 4, 2010. Defendant Steel failed to timely file an answer. Upon Plaintiffs' request, a Clerk's Entry of Default pursuant to Fed. R. Civ. P. 55(a) was filed as to Defendant Steel on March 24, 2010. Plaintiffs filed a Motion for Default Judgment Against Defendants Royster, Carberry, Goldman & Associates, Inc., and Shannon Steel on June 7, 2010. The Motion is set for hearing in this Court on June 29, 2010.

Under Fed. R. Civ. P. 5(a)(2), no service of a written motion is required on a party who is in default for failing to appear. Nevertheless, given the not insignificant potential money damages at stake, the Court finds that a copy of the Motion for Default Judgment should be served on Defendant Steel in an abundance of caution and in the interest of fairness.

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiffs shall serve Defendant Shannon Steel with a copy of the Motion for Default Judgment by **Friday, June 25, 2010.**²

Dated: s/ Gerald Rosen
Chief Judge, United States District Court

¹ A Clerk's Entry of Default was entered on December 3, 2009 as to Defendant Royster, Carberry, Goldman & Associates, Inc.

² Service by mail to Defendant Steel's last known address is sufficient under Fed. R. Civ. P. 5(b)(2)(C). Plaintiffs should be prepared to offer proof of service at the June 29, 2010 hearing on the Motion for Default Judgment.